

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JALISSA HALEY FERN SPOTTED
BIRD,

Defendant.

CR 20-28-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Jalissa Haley Fern Spotted Bird (Spotted Bird) has been accused of violating the conditions of her supervised release. Spotted Bird admitted all of the alleged violations. Spotted Bird's supervised release should be revoked. Spotted Bird should be placed in custody until 12:00 p.m. (noon) on January 17, 2023, with 23 months of supervised release to follow. Spotted Bird should serve the first 60 days of her supervised release in a secure inpatient drug treatment facility such as Connections Corrections in Butte, Montana.

II. Status

Spotted Bird pleaded guilty to Aiding and Abetting Robbery on October 15, 2020. (Doc. 29). The Court sentenced Spotted Bird to 30 months of

custody, followed by 2 years of supervised release. (Doc. 39). Spotted Bird's current term of supervised release began on November 2, 2022. (Doc. 44 at 1).

Petition

The United States Probation Office filed a Petition on December 16, 2022, requesting that the Court revoke Spotted Bird's supervised release. (Doc. 44). The Petition alleged that Spotted Bird had violated the conditions of her supervised release: 1) by using methamphetamine; and 2) by consuming alcohol.

Initial appearance

Spotted Bird appeared before the undersigned for her initial appearance on January 10, 2023. Spotted Bird was represented by counsel. Spotted Bird stated that she had read the petition and that she understood the allegations. Spotted Bird waived her right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on January 10, 2023. Spotted Bird admitted that she had violated the conditions of his supervised release: 1) by using methamphetamine; and 2) by consuming alcohol. The violations are serious and warrant revocation of Spotted Bird's supervised release.

Spotted Bird's violations are Grade C violations. Spotted Bird's criminal

history category is II. Spotted Bird's underlying offense is a Class C felony. Spotted Bird could be incarcerated for up to 24 months. Spotted Bird could be ordered to remain on supervised release for up to 24 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 4 to 10 months.

III. Analysis

Spotted Bird's supervised release should be revoked. Spotted Bird should be incarcerated until 12:00 p.m. (noon) on January 17, 2023, with 23 months of supervised release to follow. This sentence is sufficient but not greater than necessary. Spotted Bird should serve the first 60 days of her supervised release in a secure inpatient drug treatment facility such as Connections Corrections in Butte, Montana.

IV. Conclusion

The Court informed Spotted Bird that the above sentence would be recommended to Chief United States District Judge Brian Morris. The Court also informed Spotted Bird of her right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Spotted Bird that Judge Morris would consider a timely objection before making a final determination on whether to revoke her supervised release and what, if any,

sanction to impose. Spotted Bird stated that she wished to waive her right to object to these Findings and Recommendations, and that she wished to waive her right to allocute before Judge Morris.

The Court **FINDS:**

That Jalissa Haley Fern Spotted Bird has violated the conditions of her supervised release by using methamphetamine, and by consuming alcohol.

The Court **RECOMMENDS:**

The District Court should revoke Spotted Bird's supervised release and commit Spotted Bird to the custody of the United States Bureau of Prisons until 12:00 p.m. (noon) on January 17, 2023, with 23 months of supervised release to follow. Spotted Bird should serve the first 60 days of her supervised release in a secure inpatient drug treatment facility such as Connections Corrections in Butte, Montana.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and

may waive the right to appear and allocute before a district court judge.

DATED this 11th day of January, 2023.



John Johnston
United States Magistrate Judge